

REMARKS

Claims 22-42 are pending. By this Amendment, claims 22-25, 27-29, and 42 are amended, no claims are cancelled, and no new claims are added.

Claim Numbering

Applicant acknowledges the Examiner's observation that the claims as filed include duplication of claim 23. By this amendment, Applicant has renumbered the claims from 22-42 because the Examiner has renumbered the claims as such. Applicant understands this to be an Examiner's amendment and has numbered the claims in this Amendment with the Examiner's indicated numbering scheme without indicating a current Amendment to the numbering of the claims. Applicant is also paying an additional fee for this extra claim.

35 U.S.C. § 112

The Examiner rejected claims 22-42 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses the rejection. Applicant respectfully submits that the Examiner's own analysis demonstrates that the claim is enabled in the present application. Neither the application nor the claims teach that a 3-dimensional image is created by simply moving a diffusing layer. The 3-dimensional image is created by the filter array that is located in front of the illuminating device (from an observer's position) and it is the filter that imparts structure to light originating from the illuminating device to create directionality of light directing one image to the right eye and a second image to the left eye.

The application need only enable one of ordinary skill to make and use the invention. Since, one of ordinary skill is imputed to have knowledge of the prior art, the Examiner's reliance on the Eichenlaub reference which teaches this relationship, demonstrates that the use of

a filter structure to create a stereopsis effect perceivable by a viewer is known to one of ordinary skill in the art by reference to the Eichenlaub reference. The function of the diffusing layer in the invention is not to create a stereoscopic image but to make the 3-D stereoscopic image already produced by the filter viewable as a two dimensional image. The diffuser functions in much the same way that a piece of waxed paper laid directly on top of a printed page allows one to clearly read the printed page beneath, while placing the wax paper an inch or two away from the printed page obscures the detail of the printed page. Applicant respectfully request that the Examiner withdraw the rejection.

With regard to claim 37, the Examiner indicated that "it is impossible to create 3-dimensional image viewing for the display device and the filter array when the display device and the filter array are separated by a distance of zero millimeters." By this Amendment, Applicant has amended claim 37 to recite that the distance z is between about 1 millimeter and about 20 millimeters. Applicant respectfully request that the Examiner withdraw the rejection.

The Office Action indicates "the claims at this juncture are not enabling the claims (sic) of switching between 2-dimensional mode and 3-dimensional mode."

35 U.S.C. § 112 recites in part:

The *specification* shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms *as to enable any person skilled in the art* to which it pertains, or with which it is most nearly connected, *to make and use the same*

With regard to this comment, Applicant respectfully points out that nothing in § 112 of the patent statute requires that the claims standing alone be enabling. The requirement is that the specification, as a whole, enable one of ordinary skill in the art to make and use the invention. If the claims alone were enabling there would be no need for the written description and drawings. The specification as viewed by one of ordinary skill enables such making and use.

Claim Objections

The Office Action objected to the use of the references “before” and “behind,” referring to relative positions of various elements such as the filter ray diffusing layer and transmitted image display. By this Amendment, Applicants have amended the claims to remove the terms “before” and “behind.” Applicants respectfully request that the Examiner withdrawn the rejection.

The Office Action further objected to the use of the word “optionally,” in claim 27. By this Amendment, Applicant has amended claim 27 to delete the term "optionally."

The Office Action also objected to the term "permanently diffusing" recited in claim 22 indicating that it is confusing and indefinite since it is not clear what is considered to be permanently diffusing and being permanently as compared to what. Applicants respectfully traverse the objection. As indicated, by the Examiner, on page 7 of the Office Action permanent diffusers would include, for example, a diffusing film or a ground glass plate as taught by Nakayama.

Applicant respectfully takes the position that these example diffusers are permanently diffusing as opposed to a variable diffuser as taught by the Eichenlaub reference wherein the diffusion state can be varied. Applicant respectfully request that the Examiner withdrawn the objection.

35 U.S.C. § 102

The Examiner rejected claims 22, 40 and 42 under 35 U.S.C. 102(b) as being anticipated by Eichenlaub (U.S. 6,157,424). By this Amendment, Applicant has amended claims 22 and 42 to recite the limitations

wherein, to facilitate virtual homogeneous enlargement of the filter array or of the luminous area of the illuminating device, a mirror well is arranged surrounding the filter array, and the mirror well reflects the light of the illuminating device or that part of this light which penetrates the filter array, so that any vignetting becomes substantially invisible.

These limitations were previously recited in claim 38. The Eichenlaub reference, as noted by the Examiner, neither teaches nor suggest this limitation in combination with the other limitations in independent claims 22 and 42. Therefore, claims 22 and 42 are now patentable over Eichenlaub.

35 U.S.C. § 103

The Office Action rejected claims 23-26, 30, 32 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Eichenlaub in view Nakayama et al., (U.S. 5,831,765). The Office Action further rejected claims 27-29, 31, 33, 35-39 and 41 under 35 U.S.C. §103(a) as being unpatentable over Eichenlaub in view of Inoguchi et al., (U.S. 6,061,179).

Applicant respectfully traverses the rejection with regard to claim 38, the limitations of which have now been amended to be recited in claims 22 and 42. Inoguchi et al. does not in any way address the problem of "facilitating virtual homogeneous enlargement of the filter array or the luminous area of the illuminating device" as does the claimed invention. Nor does Inoguchi address the problem of vignetting as now recited in the independent claims. Neither Inoguchi nor Eichenlaub contemplates arranging a mirror well surrounding the filter array to reflect light of the illuminating device or that part of the light that penetrates the filter ray so that "vignetting becomes substantially invisible."

One of ordinary skill in the art would have no reason at all to modify the teachings of Eichenlaub and/or Inoguchi as the Examiner has suggested absent reference to the Applicants

disclosure. Applicants respectfully request that the Examiner withdraw the rejection. Claims 23-41 depend directly or indirectly from claim 22 and are patentable for at least the same reasons as claim 22. Applicants respectfully request that the Examiner withdraw the rejections.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Onderick', with a long horizontal flourish extending to the right.

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